

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

UNITED STATES OF AMERICA)

v.)

JOSHUA MAURICE FORNEY)

No. 2:13-CR-040-001
JUDGE JORDAN

AGREED ORDER OF REVOCATION

An Amended Petition for Revocation of Supervised Release has been filed against the defendant, Joshua Maurice Forney, and the defendant admits that he has violated the conditions of his supervised release as specified in violation numbers 1-9 in the Amended Petition. An agreement has been reached between the parties, recommending that Mr. Forney's supervised release should be revoked and that he should receive a sentence of 15 months' imprisonment followed by no further supervision. It is recommended that Mr. Forney be afforded all available halfway house allowed by the Bureau of Prisons to aid him in his transition to the community. It is also recommended that Mr. Forney serve his term of incarceration at FCI Edgefield in Edgefield, South Carolina.

Mr. Forney agrees to waive his right to a hearing pursuant to Rule 32 of the Rules of Criminal Procedure, waive his right to allocute at a revocation hearing, stipulates to the violations that can be proven by the government by a preponderance of the evidence, and asks that the agreement of the defendant and the government pursuant to Rule 11 of the Federal Rules of Criminal Procedure be found to be a proper sentence. In doing so, the defendant acknowledges that he is giving up the following rights:

- (1) The right to the assistance of counsel for his defense.
- (2) The right to see and hear all the witnesses and have them cross-examined in his defense.
- (3) The right on his own part not to testify unless he chose to do so in his defense, and

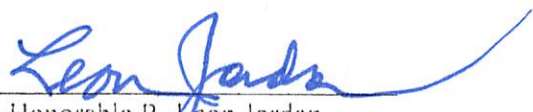
- (4) The right to the issuance of subpoenas to compel the attendance of witnesses to testify on his behalf.

The Court has considered the Chapter Seven policy statements in the United States Sentencing Guidelines. The violations above constitute Grade B and C violations for which an advisory guideline range of 21 to 27 months would apply given his Criminal History Category VI. The Court has considered these advisory guideline ranges. The Court has also considered the statutory maximum of 18 months' imprisonment. The Court has also considered the factors listed in 18 U.S.C. § 3553(a).

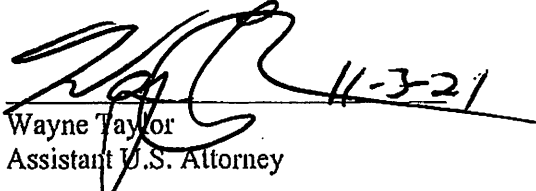
The Court concludes that the recommended sentence is sufficient, but not greater than necessary, to comply with the purposes set forth in 18 U.S.C. § 3553(a). Specifically, the Court finds that the defendant has admitted that the proof could establish by a preponderance of the evidence that he committed the violations alleged in the petition for warrant for offender under supervision.


Based on the foregoing, the Court finds that the recommended sentence is sufficient, but not greater than necessary to accomplish the purposes set forth in 18 U.S.C. § 3553(a) while taking into consideration all of those factors and the Chapter Seven policy statements.

IT IS HEREBY ORDERED, therefore, that the defendant's supervised release is hereby revoked. The defendant is hereby sentenced to 15 months' imprisonment followed by no further supervision. It is recommended that Mr. Forney be afforded all available halfway house allowed by the Bureau of Prisons to aid him in his transition to the community. It is also recommended that Mr. Forney serve his term of incarceration at FCI Edgefield in Edgefield, South Carolina.

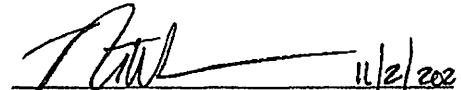

The Honorable R. Leon Jordan
United States District Judge

APPROVED FOR ENTRY:

 11-3-21
Wayne Taylor
Assistant U.S. Attorney

 11/08/2021
Pam Higgins
U.S. Probation Officer

 11/2/21
Joshua Forney
Defendant

 11/2/2021
G. Nicholas Wallace
Attorney for Defendant